

## CITY OF TORONTO

### BY-LAW No. 460-2004(OMB)

#### To amend General Zoning By-law No. 438-86, of the former City of Toronto, with respect to lands known municipally as 1430 Yonge Street.

WHEREAS the Ontario Municipal Board pursuant, to its Order No. 1228, and Order No. 0571 issued on March 15, 2004, upon hearing the appeal of 1430 Yonge-St.Clair Inc. under section 34 of the *Planning Act*, deems it advisable to amend the Zoning By-law for the former City of Toronto, with respect to certain lands known municipally as 1430 Yonge Street;

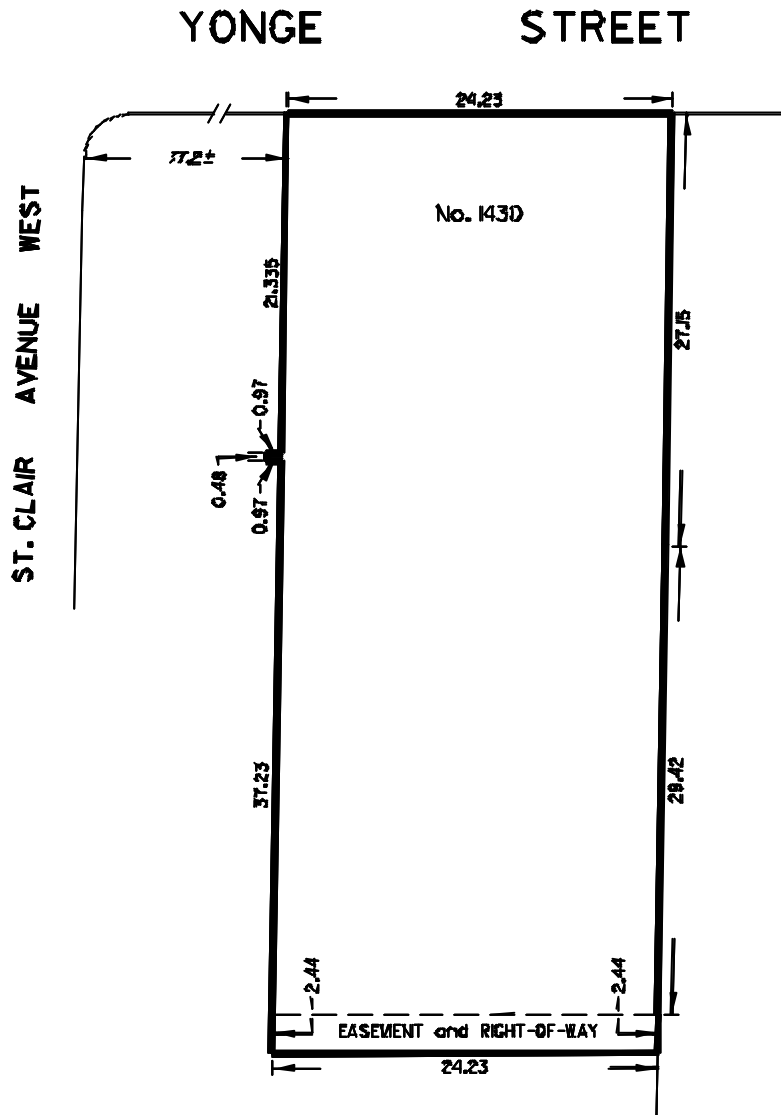
THEREFORE By-law No. 438-86 of the former City of Toronto is hereby amended as follows:

1. None of the provisions of Sections 4(4)(b), 4(2), 4(12), 8(3) PART I 1, 8(3) PART I 3(a), 8(3) PART II 1(a)(ii), 12(2)260(i), 12(2)260(ii), 12(2)260(iii), 12(2)263(ii), 12(2)263(iii), 12(2)263(iv), and 12(2)267 of By-law No. 438-86, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of a *mixed-use building* on the *lot*, provided:
  - (a) the *lot* comprises those lands delineated by heavy lines on Map 1 attached hereto;
  - (b) the *residential gross floor area* of the *mixed-use building* on the *lot* shall not exceed 9746 square metres;
  - (c) a minimum of 210 square metres of the ground floor area shall be used for *retail stores* or other retail uses;
  - (d) the *mixed-use building* contains not more than 135 *dwelling units*;
  - (e) the Owner of the *lot* enters into an agreement pursuant to Section 37 of the *Planning Act* to secure the following facilities, services and matters:
    - (i) the contribution of funds to the City, prior to the issuance of a building permit, in the amount of \$25,000 to be used for improvements to Amsterdam Square Park.
    - (ii) the contribution of funds to the City, prior to the issuance of a building permit, in the amount of \$90,000 to be used for improvements to David A. Balfour Park.
    - (iii) the provision of an alternative vehicle access from the west side of the *lot* to be incorporated into the design of the building, and the mandatory use of the alternative vehicular access from the west if it becomes available, together with the elimination of the Yonge Street access and the conversion of such access to retail space at that time, and the provision of a letter of credit in the amount of \$10,000 to secure this obligation;

- (f) no portion of the building above grade is located otherwise than wholly within the areas delineated by heavy lines as shown on Map 2;
  - (g) the height of the building to the top of the roof slab shall not exceed those heights, in metres above grade, following the symbol “H” shown on Map 2, but this paragraph does not prevent the erection or use of:
    - (i) mechanical penthouses to a maximum height of 5 m;
    - (ii) parapets, guards and railings to a maximum height of 1.3 metres above the height limits shown on Map 2; and
    - (iii) balconies on the north and south face of the building, which shall not be closer than 2.35 metres from the lot line;
  - (h) the maximum gross floor area of the mixed-use building on the lot shall not exceed 10,010 square metres;
  - (i) a minimum of 112 *parking spaces* are provided;
  - (j) no window of a *dwelling unit* or *dwelling room* is closer than: 4 metres to the north *lot* line; 4 metres to the south *lot* line; and 2.44 metres to the west *lot* line;
  - (k) for the purpose of this By-law, grade shall mean 143.82 metres Canadian Geodetic Datum.
2. For the purposes of this By-law each word or expression which is italicized has the same meaning as each such word or expression contained in By-law No. 438-86, as amended.

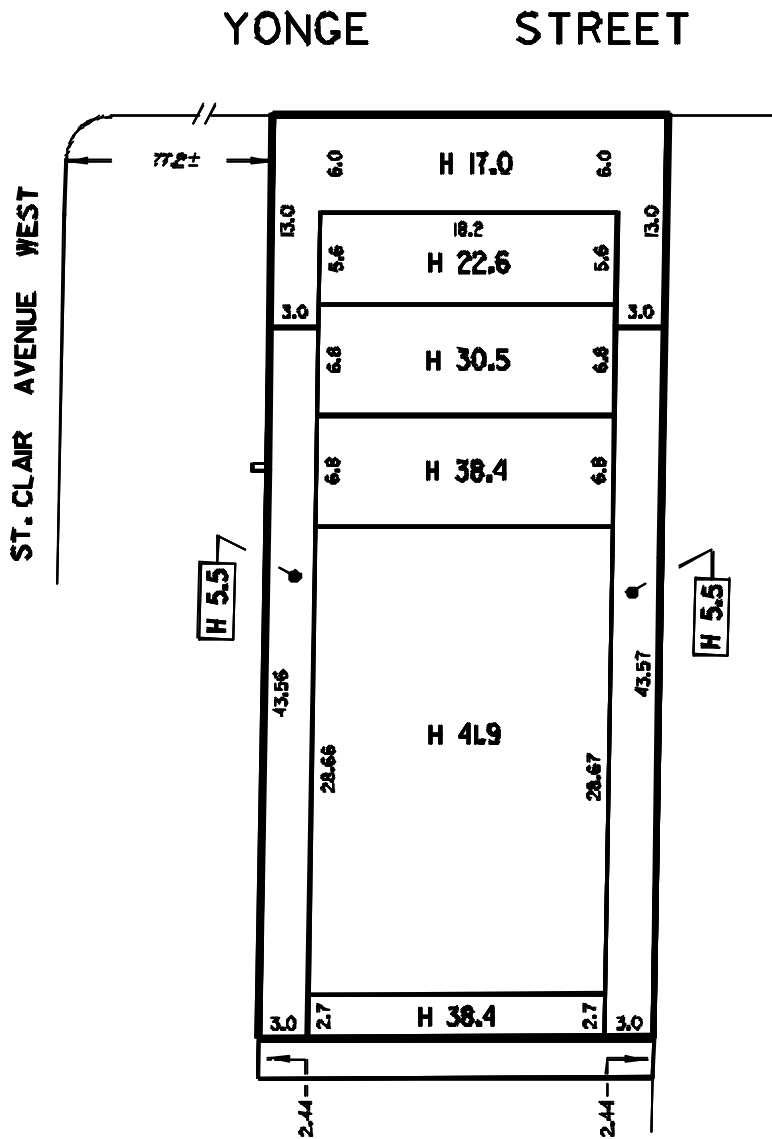
PURSUANT TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON MARCH 15, 2004, IN BOARD CASE NO. PL020884.

MAP 1



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO NOVEMBER, 2003  
BLOS/1430YDN1.DGN  
FILE: Y1-2182  
MAP No. 50J-323 DRAWN: D.R

# MAP 2



H: DENOTES MAXIMUM HEIGHT IN METRES ABOVE GRADE



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SERVICES  
TORONTO NOVEMBER, 2003  
BL03/1430YON2.DGN  
FILE: Y1-Z102  
MAP No. 50J-323 DRAWN: D.R